

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD SIMKINS, III,

:

Plaintiff,

v.

Case No. 3:19-cv-227

CHRISTOPHER McINTOSH, *et*
al.,

:

JUDGE WALTER H. RICE

Defendants.

:

DECISION AND ENTRY SUSTAINING DEFENDANT EMCARE'S
UNOPPOSED MOTION FOR JUDGMENT ON THE PLEADINGS
(DOC. #108)

On April 12, 2021, Defendant EmCare filed a Motion for Judgment on the Pleadings, arguing that because all claims against its employee, Dr. Christopher McIntosh, had been dismissed for failure to timely perfect service of process, the vicarious-liability claims against EmCare must be dismissed as well. Doc. #108 (relying on *Nat'l Union Fire Ins. Co. v. Wuerth*, 122 Ohio St. 3d 594 (2009)).

On May 12, 2021, United States Magistrate Judge Stephanie Bowman issued an Order to Show Cause, Doc. #109, giving Plaintiff until June 7, 2021, to show cause in writing why the motion should not be construed as unopposed and be granted for the reasons stated therein.

Plaintiff has failed to respond to the Order within the time allotted. The Court agrees that, because all claims against Dr. McIntosh have been dismissed,

there are no viable remaining claims against his employer, EmCare. Accordingly, the Court SUSTAINS Defendant EmCare's Motion for Judgment on the Pleadings, Doc. #108, and DISMISSES WITH PREJUDICE all claims asserted against it.

Date: August 12, 2021



WALTER H. RICE
UNITED STATES DISTRICT JUDGE